

REMARKS

Upon entry of this Amendment, claims 1-3, 7, 16 and 18-20 will be all the claims pending in the application. Applicants amend claim 1 to incorporate the features of claim 4; amend claim 7 to incorporate the features of claim 17; and amend claim 19. Support for the amendments to claim 1 can be found in the original claims as filed, and in the specification at page 14, lines 10-14 and Fig. 5. Support for the amendment to claims 7 and 19 can be found in the original claims as filed and in Fig. 4 (showing the position of the mouth member and pair of heat sources). No new matter is added. Entry is respectfully requested.

Rejection under 35 U.S.C. § 102 over Mizuo

Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mizuo (WO 2004/039562). The Office Action takes the position that Mizuo discloses each feature of claims 1-20.

Applicants traverse the rejection and amend claims 1, 7 and 19.

The subject matter of amended claims 1 and 7, from which all remaining claims depend, includes not only preheating while rotating the tubular mouth member around the cylinder axis thereof, but preheating while rotating the tubular mouth member around the cylinder axis thereof together with traveling the tubular mouth member set on the mouth member-rotator provided with an endlessly connected moving device for moving the mouth member-rotator through a circuit for producing a bag with a mouth member by the endlessly connected moving device.

These features are completely different from that disclosed in Mizuno. The production method and the production apparatus according to amended claims 1 and 7 are not anticipated, expressly or inherently, by Mizuo.

Withdrawal of the rejection and immediate allowance of all pending claims are earnestly solicited.

Rejection under 35 U.S.C. § 102 over Kazumasa

Claims 5 and 13-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kazumasa (JP 7016956). The Office Action takes the position that Kazumasa discloses each feature of claims 5 and 13-15. The Office Action further takes the position that rotating the mouth member during heating, as claimed, does not materially affect the bag produced. With respect to claim 14, the Office Action asserts that the sealing bars 4 and 5 would act to decompress residual air in bag 2 (see figures 4 and 6).

Applicants traverse the rejection and cancel claims 5 and 13-5.

Applicants' cancellation of the rejected claims renders this rejection moot. Kazumasa does not disclose the features of amended claims 1 and 7, and thus also does not anticipate any presently pending claims.

Withdrawal of the rejection and immediate allowance of all pending claims are earnestly solicited.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-10 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazumasa (JP 7016956) in view of Katsuyama (U.S. Patent 6,632,312).

Claims 1-4, 6-11 and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazumasa (JP 7016956) in view of Okase (JP 2001-291710).

The Office Action takes the position that Kazumasa discloses a process and apparatus for producing a bag with a mouth member by melt bonding the tubular mouth member 1 comprising

preheating mouth member 1 by radiant heat and welding the mouth 1 to flexible bag films 2. For this assertion, the Office Action relies on the Abstract and figures. The Examiner concedes that Kazumasa does not directly disclose a mouth rotator for rotating the mouth member while heating, and that it is not clear whether or not Kazumasa provides certain specific claimed features during the process (e.g., rotating mouth member 1 of thermoplastic resin), however, the Abstract allegedly includes a discussion of softening of the mouth member, which is commonly known in the art.

Katsuyama is cited for teaching rotating a tubular thermoplastic resin product and heating with radiant heat via linear heating member 12 while upon a cylindrical member 520 with a basal end (considered capable for removably fixing) and drive unit (the Office Action cites figure 37, column 20, lines 50 *et seq.*) during a heat sealing process. It would thus allegedly have been obvious to include rotating the tubular member of Kazumasa while heating, as taught by Katsuyama, in order to soften the material for the heat sealing process.

Okase is cited for providing a mouth rotator 3 with basal end and drive unit 51 for rotating a product while heating from opposing heating sources. It would thus allegedly have been obvious to include rotating the tubular member of Kazumasa while heating as taught by Okase in order to soften the material for the heat sealing process.

With specific reference to claim 3, the Office Action takes the position that the bag is considered decompressed by sandwiching movement of sealers 4 and 5. It would thus allegedly have been obvious to include evacuating/sucking air out of the bag during this operation in order to remove unwanted air from the bag interior. Regarding claim 9, the Office Action states that a cylinder as taught by Katsuyama is fully capable of being fitted for movement, as claimed.

Applicants traverse the rejection and amend claims 1, 7 and 19.

As explained above, claim 1 is amended to incorporate the features of claims 1, 2 and 4. Claim 7 is amended to incorporate the features of claim 17 and from the specification at page 14, lines 10-14 and Fig. 5. These features, as combined, are not disclosed in Kazumasa and Katsuyama.

According to the production method of claim 1 and the production apparatus of claim 7, it is possible to easily adjust melt-bonding conditions between the bag unit and the mouth member, or to adjust cooling conditions for the bag with the mouth member by adjusting the length or the position of the endlessly connected moving device. This unique effect cannot be obtained by Kazumasa and Katsuyama.

In addition, the Office appears to have misunderstood the present invention. For example, the Office Action at page 4 states "Regarding claim 3, the bag is considered decompressed by sandwiching movement of sealers 4 and 5." However, when the bag is sandwiched by the sealers 4 and 5, the inside of the bag unit is pressurized. Therefore, Katsumasa also does not disclose this feature of claim 3. In the production method according to claim 3, since the inside of the bag is decompressed by sucking, it is possible to more closely contact between the mouth member and the opening part of the bag, rather than pressurizing the bag unit.

Similarly, it is also impossible to obtain the unique effects of the present invention by combining Kazumasa and Okase. Okase does not remedy the deficiencies of either of Kazumasa or Katsuyama as discussed above.

Applicants also respectfully submit that one of ordinary skill in the art would never have combined Kazumasa and either of Katsuyama or Okase. Kazumasa discloses melting of the bag to the mouth member; however, Kazumasa discloses the following.

[0003] Any methods explained above have the problem that when the welding temperature for the mouth member is too high, the mouth member itself is deformed...

[0010]...When a temperature of the ring-shaped heater is adjusted to the temperature which is higher than the melting point of the material attached of the mouth member, such as 600 to 800°C, and then the mouth member is inserted into the ring-shaped heater, ...it is possible to prevent the increase of temperature in the entire portion to be melted in the mouth member, and uniformly heat the portion to be melted to a temperature which is higher 13°C than the softening temperature, melting point of the surface material to be melted of the mouth member.

That is, Kazumasa does not heat the entire mouth member. Kazumasa emphasizes the importance of heating only the surface of the portion needed to be attached with the mouth member, because when the entire mouth member is heated, the mouth member may be deformed, and attaching between the mouth member and the sheet or film for the medical bag becomes difficult.

In contrast, Katsuyama discloses the idea for producing a tubular film with high accuracy. In particular, as shown in Figures 2 and 3, Katsuyama produces a ring-shaped film with high accuracy by twisting a sheet film onto the cylindrical roll 4 at several times, putting the sheet film into the tubular mold member 6, and melting the sheet film by the heater 12 which is inserted inside the hollow cylindrical member 4 and the heater 13 which is placed apart from the outer circumferential surface of the tubular mold member 6 while the sheet film is pressurized by the cylindrical roller 4 and the roller 15. That is, Kazumasa heats only the surface of the material to be melted whereas Katsuyama heats the entire material to be melted.

Okase similarly would not have been combined. Okase is directed toward a heat treatment device related to preparing semiconductors, LCDs and the like, and does not remedy the deficiencies of either Katsuyama or Kazumasa with respect to the features of amended claims 1 and 7.

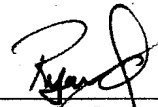
Therefore, one of ordinary skill in the art would never have had reason to combine Kazumasa with either of Katsuyama or Okase.

In view of the foregoing, no combination of Kazumasa, Katsuyama or Okase would have rendered obvious the features of instant claims 1 and 7 as amended, nor the features of any remaining claims depending therefrom.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ryan C. Cady
Registration No. 56,762

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 19, 2008